

Docket No. 263192US0PCT

IN RE APPLICATION OF: Masazumi NISHIKAWA, et al.

SERIAL NO: 10/517,323

FILED: December 20, 2004

FOR: ORAL PREVENTIVE/THERAPEUTIC AGENT FOR SKIN DAMAGE CONTAINING DIACYLGLYCERYL  
ETHER

COMMISSIONER FOR PATENTS  
ALEXANDRIA, VIRGINIA 22313

SIR:

Transmitted herewith is an Amendment and Response to Requirement for Election of Species in the above-identified application.

- No additional fee is required  
 Small entity status of this application under 37 C.F.R. §1.9 and §1.27 is claimed.  
 Additional documents filed herewith:

The Fee has been calculated as shown below:

CLAIMS	CLAIMS REMAINING		HIGHEST NUMBER PREVIOUSLY PAID	NO. EXTRA CLAIMS	RATE	CALCULATIONS
TOTAL	5	MINUS	20	0	x \$50 =	\$0.00
INDEPENDENT	1	MINUS	3	0	x \$200 =	\$0.00
		<input type="checkbox"/> MULTIPLE DEPENDENT CLAIMS			+ \$360 =	\$0.00
						TOTAL OF ABOVE CALCULATIONS
		<input type="checkbox"/> Reduction by 50% for filing by Small Entity				\$0.00
		<input type="checkbox"/> Recordation of Assignment			+ \$40 =	\$0.00
						TOTAL
						\$0.00

- A check in the amount of \$0.00 is attached.  
 Credit card payment form is attached to cover the fees in the amount of \$0.00  
 Please charge any additional Fees for the papers being filed herewith and for which no check or credit card payment is enclosed herewith, or credit any overpayment to deposit Account No. 15-0030. A duplicate copy of this sheet is enclosed.  
 If these papers are not considered timely filed by the Patent and Trademark Office, then a petition is hereby made under 37 C.F.R. §1.136, and any additional fees required under 37 C.F.R. §1.136 for any necessary extension of time may be charged to Deposit Account No. 15-0030. A duplicate copy of this sheet is enclosed.

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DOCKET NO: 263192US0PCT

IN THE UNITED STATES PATENT & TRADEMARK OFFICE

IN RE APPLICATION OF :  
MASAZUMI NISHIKAWA, ET AL. : EXAMINER: YEBASSA, D.  
SERIAL NO: 10/517,323 :  
FILED: DECEMBER 20, 2004 : GROUP ART UNIT: 1615  
FOR: ORAL :  
PREVENTIVE/THERAPEUTIC AGENT  
FOR SKIN DAMAGE CONTAINING  
DIACYLGLYCERYL ETHER

AMENDMENT AND RESPONSE TO REQUIREMENT FOR ELECTION OF SPECIES

COMMISSIONER FOR PATENTS  
ALEXANDRIA, VIRGINIA 22313

SIR:

This is responsive to the Requirement for an Election of Species dated August 22, 2005.

Applicants provisionally elect, with traverse, a diacylglycerol ether-containing composition derived from shark liver oil, in which R<sup>1</sup>, R<sup>2</sup>, and R<sup>3</sup> (aliphatic hydrocarbon and acyl groups) of formula (I) have the same composition as that shown in Table 1 of Example 1 of the present specification at pages 8-9.

Claims 5-9 are readable thereon. Applicants request that the Office expand the search beyond the elected species if the elected species is found allowable.

**Amendments to the Claims** are reflected in the listing of claims which begins on page 2 of this paper.

**Support for the Amendment** begins on page 4 of this paper.

**Remarks** begin on page 5 of this paper.